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November 16, 2022

**VIA ECF**

The Honorable Denise L. Cote  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

***In Re: Acetaminophen ASD/ADHD Products Liability Litig.***  
**Docket Nos.: 1:22-md-3043 (DLC); 1:22-mc-3043 (DLC)**  
**Defense Letter Regarding Direct Filing Order**

**This Document Relates To: All Actions**

Dear Judge Cote,

Pursuant to the Court's November 14, 2022 Order (DE 151), we write on behalf of Defendants Costco Wholesale Corporation, CVS Pharmacy, Inc., Dollar General Corporation, Dollar Tree, Inc., Family Dollar, Inc., Rite Aid Corporation, Safeway Inc., 7-Eleven, Inc., Target Corporation, The Kroger Co., Walgreen Co., and Walmart Inc. (collectively, the "Retailer Defendants") and Johnson & Johnson Consumer Inc. (collectively, "Defendants") to advise the Court of the Parties' efforts to meet and confer regarding a proposed Direct Filing Order for this Court's consideration.

The Defendants have conferred regarding a proposed Direct Filing Order, and exchanged with Plaintiffs' leadership their joint proposal. Plaintiffs have responded with a number of proposed revisions. While the Parties were able to agree to certain provisions of the Defendants' proposal, there are a few substantive provisions upon which the Parties do not agree despite efforts to meet and confer.

To that end, and in an effort to comply with this Court's Order, Defendants submit herewith as exhibits the Defendants' proposed Direct Filing Order (Exhibit A), the Plaintiffs' counter-proposal (Exhibit B), and a redlined version comparing the two, identifying the provisions upon which the Parties have been unable to agree (Exhibit C).

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The Parties will be prepared to discuss these competing proposals during tomorrow's Pretrial Conference, and appreciate the Court's anticipated guidance in resolving the outstanding provisions precluding submission of an agreed upon Direct Filing Order.

Respectfully,

/s/ James F. Murdica

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